

IMPORTANT CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied document to us.

TO: Emily B. Bernhardt - United States Patent and Trademark Office

Fax No. 571-273-8300

Phone No. 571-272-0664

**RECEIVED
CENTRAL FAX CENTER****DEC 15 2005****FROM: Linda R. Schroer, (Typed or printed name of person signing Certificate)**

Fax No. 513-622-3300

Phone No. 513-622-2859

Application No.: 10/689,022

Inventor(s): Frank Hallock Ebetino et al.

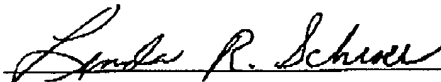
Filed: October 20, 2003

Docket No.: 9071M

Confirmation No.: 4104

FACSIMILE TRANSMITTAL SHEET AND**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 15, 2005, to the above-identified facsimile number.

 (Signature)

Listed below are the item(s) being submitted with this Certificate of Transmission:**

- 1) Response to Restriction Requirement: 20 pgs/ 1 copy
- 2)
- 3)
- 4)
- 5)

Number of Pages Including this Page: 21 pgs

Comments:

****Note:** Each paper must have its own certificate of transmission, OR this certificate must identify each submitted paper.

(FAX-USPTO.doc Revised 11/18/2005)

Appl. No. 10/689,011
Atty. Docket No. 9071M
Amdt. dated November 28, 2005
Response Dated: December 15, 2005
Customer No. 27752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
CENTRAL FAX CENTER**

DEC 15 2005

Applicant(s) : Frank Hallock Ebetino et al.
Application No. : 10/689,022
Filed : October 20, 2003
Title : Melanocortin Receptor Ligands
TC/A.U. : 1624
Examiner : Emily B. Bernhardt
Conf. No. : 4104
Docket No. : 9071M
Customer No. : 27752

RESPONSE TO RESTRICTION REQUIREMENT UNDER §1.121

Dear Sir:

In response to the Office Action dated November 28, 2005 for the above-identified application, please consider the following Remarks.

Response to Restriction Requirement and Election of Species begin on page 2 of this paper.

Amendments to the Claims begin on page 5 of this paper.

Remarks begin on page 19 of this paper.

Appl. No. 10/689,011
Atty. Docket No. 9071M
Amdt. dated November 28, 2005
Response Dated: December 15, 2005
Customer No. 27752

RESTRICTION REQUIREMENT

The Examiner has asserted a Restriction Requirement in the present application.

The Examiner has asserted the following groups.

Group I Claims 1-10, 12, 14, 16, 18-22, 28, 29, and 32, drawn to piperazine compounds, compounds of Formula i) and ii) (Claim 2) where for ii), L is equal to NR^4 , classified in class 544, subclasses 384 and many others as determined by the nature of hetero rings attached thereon, e.g. Subclass 363 when quinolines/isoquinolines are present; class 514 subclass 255.01, etc.

Note: the compounds of formula (i) and (ii) of Claim 2 are "keto-piperazines" and will be referred to as such herein.

Group II Claims 1-4, 16, and 32, drawn to piperazine compounds, compounds of Formula ii) not provided for by I classified in class 544, subclasses 386 etc. and class 514 various subclasses.

Group III Claims 1-7, 11, 13, 15-17, 20, 23-27, and 30-32, drawn to piperazine compounds, compounds of Formula iii) and v) where for v), L is equal to NR^4 , classified in class 544, subclasses 391 and many others; class 514 subclass 255.01, etc.

Note: the compounds of formula (iii) and (v) of Claim 2 are "piperazines" and will be referred to as such herein.

Group IV Claims 1-4, 16, and 32, drawn to piperazine compounds not provided for by I-III, classified in class 544, subclasses various based on the very least by the exact nature of "L" link directly attached to the; class 514, various subclasses.

Group V Claims 1-7, 16 and 32, drawn to pyrrolidine compounds, compositions of Formula iv) classified in class 548, subclass 540 and other higher ranking classes when hetero rings are attached thereon; class 514 subclass 423, etc.

Group VI Claims 1, 16 and 32, drawn to pyrrolidine compounds, compositions not provided for by V, classified in class 548 and other classes, various subclasses; class 514, various subclasses.

Appl. No. 10/689,011
Atty. Docket No. 9071M
Amtd. dated November 28, 2005
Response Dated: December 15, 2005
Customer No. 27752

Group VII Claims 1-7, 16 and 32, drawn to piperidine compounds, compositions of Formula vi) and vii) where for vii), L is equal to NR^4 , classified in class 546, subclasses such as 195, 205, 226, etc; class 514 subclasses such as 319, 330.

Group VIII Claims 1-4, 16 and 32, drawn to other piperidine compounds, compositions not provided for by II, classified in class 546, subclasses various; class 514 various subclasses.

Group IX Claims 1-7, 16 and 32, drawn to diazepine compounds, compositions of Formula viii), classified in class 540, subclass 575; class 514 subclass 218.

Group X Claims 1, 16 and 32, drawn to other diazepine compounds not provided for by IX, classified in class 540, subclass 575; class 514 subclass 218.

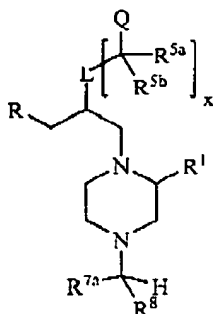
Group XI Claims 1, 16 and 32, drawn to other A-containing cores, not provided for by I-X, classified in classes 540-548, various subclasses; class 514, various subclasses.

Group XII Claims 33-38, drawn to multiple uses employing compounds of I-XI, classified in class 514, subclasses various as based on the structural makeup of compounds employed., compositions not provided for by V, classified in class 548 and other classes, various subclasses; class 514, various subclasses.

Applicants are unsure of which subject matter is encompassed within the various groups asserted by the Examiner. In an attempt to comply with the Examiner's Restriction Requirement, Applicants suggest a group having the following subject matter:

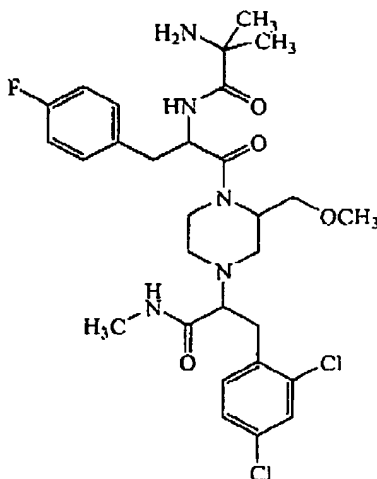
Piperazine compounds having the formula (iii) from Claim 2:

Appl. No. 10/689,011
 Atty. Docket No. 9071M
 Amdt. dated November 28, 2005
 Response Dated: December 15, 2005
 Customer No. 27752



wherein Q is not an aryl or heteroaryl unit. The restriction to this core scaffold with Q not aryl or heteroaryl appears to conform with the compounds assigned to Group III according to the Examiner.

The Examiner has also asserted an election of species within the Group selected. Applicants elect the compound 2-{4-[2-(2-amino-2-methyl-propionylamino)-3-(4-fluorophenyl)propionyl]-3-methoxymethyl-piperazin-1-yl}-3-(2,4-dichlorophenyl)-N-methyl-propionamide having the formula:



The selection of Group III is made with traverse. The Examiner will find the elected species to be novel and nonobvious, therefore, the Examiner is asked upon finding the compound to be novel, to rejoin the subject matter encompassed within new Claim 39.